

S 1768

Anno Regni Regis GEORGII, III. Tertii Tertio.

1763.

Governors Grant.

Mashpee Indians.

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## Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-fifth Day of *May*, 1763.

### C H A P. I.

#### An Act for granting the Sum of *Thirteen Hundred Pounds*, for the Support of His Majesty's Governor.

**B**E it enacted by the Governor, Council and House of Representatives, Grant of  
That the Sum of *Thirteen Hundred Pounds*, be and hereby is granted £ 1300, for  
unto his most excellent Majesty, to be paid out of the public Treasury, the Support  
to his Excellency **F RANCIS BERNARD** Esquire, Captain-General of his Ma-  
and Governor in Chief in and over his Majesty's Province of the *Massa- jesty's Go-*  
*chusetts-Bay*, to enable him to carry on the Affairs of this Government. vernor.

### C H A P. II.

#### An Act for Incorporating the *Indians and Molattoes* Inhabitants of *Mashpee* with their Lands there, into a District with certain Priviledges, and for their better Regulation.

**W**HEREAS it hath been the repeated, and is the importunate desire Preamble,  
of the Indians and Molattoes Proprietors in *Mashpee*, in the County  
of Barnstable, to be incorporated and vested with certain Priviled-  
[ A a a ] ges,

ges, and that there may be some further Regulations of them, and their Interest there, and the same appearing reasonable.

*Be it enacted by the Governor, Council and House of Representatives,*

*Mashpee erected  
into a Dis-  
trict.*

That all the Lands belonging to the Indians and Molattoes in Mashpee, be and hereby are erected into a District by the Name of Mashpee, with the following Priviledges, viz. That the Indian and Molatto Inhabitants and Proprietors of Mashpee, be and hereby are impowered in the Month of March annually to meet in the public Meeting-House in said Mashpee, then and there to elect a Moderator of said Meeting and five Overseers, two of said Overseers being Englishmen, a Town Clerk and Treasurer, they being Englishmen, two Wardens and one or more Constables. That said Overseers or the major Part of them shall have the sole power to regulate the Fishery in said Mashpee, and also to allot out and proportion to the Indians and Molattoes their Upland and Meadows, and to lease such Lands and Fishery as said Inhabitants and Proprietors hold in common and undivided for a Term not exceeding two Years, from and after the first of March 1764, the profits and incomes arising therefrom to be applied at the Discretion of the said Overseers, or the major Part of them, to and for the support of the said indigent Indians and Molattoes and for no other use or purpose whatsoever: And that the said Overseers or Trustees or the major Part of them shall be and hereby are impowered in their Names and Capacity, to bring Writs of Ejectment against any Person or Persons that have or shall illegally get into Possession of any Part of the Lands of the said Indians or Molattoes, and Writs of Trespass against any who have or may Trespass upon their Lands or Properties, and the same to pursue to final Judgment and Execution. And that said Overseers shall have the same Power with respect to calling of District Meetings as the Select Men of any Town in this Province by Law now have; and that after the Lines of Barnstable, Sandwich and Falmouth, bounding upon Mashpee are run (as this Court shall order) that said Overseers or Trustees shall have full Power, and are hereby enjoined to perambulate the same, and the Select-Men of the above named Towns are hereby required to perambulate said Lines with said Overseers every three Years, and for every Neglect there shall be the same Forfeiture as if they had the Title of Select-Men: And that all Matters relative to the said Proprieties be transacted at said Town Meetings, Notice thereof being given in the Warrants for calling the same, and that said Overseers or Trustees, Clerk and Treasurer, shall act indifferently both in District and Proprietary Affairs in said District of Mashpee.

*Lines to be  
perambula-  
ted.*

*Indians, &c.  
empowered to  
admit others.*

*And be it further enacted, That it shall be in the Power of said Indians and Molattoes Inhabitants to admit other Indians or Molattoes to be Inhabitants and Proprietors of said Mashpee; and that the Lands belonging to said Indians or Molattoes thus admitted (if any they have) shall and may be sold by the Commissioners from the Corporation for propagating the Gospel in New-England and Parts adjacent; and the Treasurer for the Time being to the said Commissioners is hereby authorized and impowered in such Case to execute good and sufficient Deeds of the same, and the Interest arising from such Sale, shall by the said Commissioners be annually put into the Hands of said Overseers for the Support of the Poor and indigent Indians and Molattoes of said District of Mashpee, and for that use only.*

*Actions ex-  
cept in certain  
Cases debar-  
red.*

*And be it further enacted, That no Action shall be brought against any of said Indians or Molattoes, for any contract or Debt whatsoever made or entered into after the Publication of this Act; unless the same be made or entered*

entered into with the express consent and approbation of such Persons or the major Part of them, as shall be nominated and appointed by the Governor, by and with the Advice and Consent of the Council, to have the Inspection of the said Plantation, pursuant to the Laws of this Province made and passed in the sixth Year of King WILLIAM and Queen MARY; and every Action brought for debt or contract not approved as aforesaid, shall be forever debarred.

*And be it further enacted,* That no Indian or Molatto Inhabitant of Mashpee, shall bind out his or her Child or Children to any English Person whatsoever by Indenture or any other Way in Satisfaction, or as a Security for any Debt of their Parents, nor without the Approbation of the major Part of the Overseer's aforesaid, and that every Indenture or any Instrument whatsoever, or parole Agreement, whereby such Child or Children shall be bound out contrary to the true Intent and Meaning of this Act, shall be adjudged null and void.

*And be it further enacted,* That if any of said Indians or Molattoes shall be committed to Goal for Debt, he or they shall have the same Liberty to Swear out of Goal, and the same benefit resulting therefrom, as any white Person by Law now hath who hath no Estate, they being Proprietors in the Lands of Mashpee Notwithstanding.

*And be it further enacted,* That it shall and may be lawful for said Proprietors and Inhabitants at any Time before the first Day of August next, to assemble in the Meeting-House aforesaid, then and there to chuse a Moderator, five Overseers, a Town Clerk, a Town Treasurer, two Wardens, and one or more Constables as aforesaid for the Year ensuing, and that Thomas Smith, Esq; be, and he hereby is impowered and directed to call a Meeting of said Proprietors and Inhabitants for the purpose aforesaid.

This Act to continue and be in Force three Years from the Fifteenth Continuance, Day of June 1763, and no longer.

### C H A P. III.

An Act for continuing certain Clauses in an Act passed in the thirtieth Year of his late Majesty's Reign, Intituled *An Act for providing and maintaining two Armed Vessels to Guard the Coast, and for supplying the Treasury with seven Thousand Pounds for that End.*

WHEREAS by an Act Intituled, An Act for providing and maintaining two Armed Vessels to Guard the Coast, and for supplying the Treasury with Seven Thousand Pounds, for that End, there was granted to his most Excellent Majesty a Duty of six Pence per Ton on all Ships and other Vessels; and also a Duty or Excise of six Pence per Pound upon Tea, and two Pence per Pound upon Coffee, and five per Cent. upon China Ware, ad Valorem, from and after the first Day of November, in the Thirtieth Year of his late Majesty's Reign, during the continuance of the then

*then War with France, and until the first Day of November then next following. And Whereas by the conclusion of the said War the exigencies of the Province do not require that the said Duty on Shipping should be further continued, but those on Tea, Coffee and China Ware ought to be further continued beyond their present Period.*

Duties on  
Tonnage of  
Shipping to  
cease.

Duties on Tea  
Coffee, and  
China Ware  
continued.

*Be it therefore enacted by the Governor, Council and House of Representatives, That the Duties mentioned and laid in and by said Act upon Shipping, shall cease and determine on the twentieth Day of June, A. D. One Thousand seven Hundred and sixty three. And that the Duties laid in and by said Act upon Tea, Coffee, and China Ware shall be continued until the first Day of November, A. D. One Thousand seven Hundred and sixty-five. And all Clauses in the said Act respecting these last mentioned Duties, are hereby declared to be and remain in full Force until the same Day.*

#### C H A P. IV.

#### An Act to empower the Province Treasurer to draw Bills of Exchange upon the Agent of the Province in Great-Britain.

Preamble.

*WHEREAS the Parliament of Great-Britain has made a Grant of One Hundred and thirty-three Thousand three Hundred and thirty-three Pounds six Shillings and eight Pence, Sterling, to enable His Majesty to Recompence his Northern Colonies in America, for their Military Services in the Year One Thousand seven Hundred and sixty-one, a proportion of which Grant it is expected is already assigned this Province.*

Province  
Treasurer im-  
powered to  
draw Bills of  
Exchange.

*Be it enacted by the Governor, Council and House of Representatives, That the Province Treasurer be, and he hereby is empowered and directed to draw Bills of Exchange on Jasper Mauduit, Esq; Agent for said Province in Great-Britain, or in Case of his being prevented by Death, Absence or any other Way, on Richard Jackson, jun. Esq; for a Sum not exceeding Thirty-five Thousand Pounds: And the said Bills shall be drawn on the following Conditions, viz. That for every Hundred Pounds Sterling, for which such Bills shall be drawn, One Hundred and thirty-six Pounds lawful Money of this Province, shall be paid into the Province Treasury: That such Bills shall be drawn payable to the Persons purchasing the same, or to their Order, at thirty Days Sight; but if the Province Agent, or in Case of his being prevented by Death, Absence, or any other Way Richard Jackson jun. Esq; at the Expiration of thirty Days, shall not have received the Province's Proportion of the Grant, then Interest shall be allowed from the Expiration of said thirty Days, at the Rate of six per Cent. per Annum, until paid: And such Bills shall not be protested until twelve Months shall be expired from their respective Dates: And in Case of their being returned protested after the Expiration of said twelve Months, the Province Treasurer shall repay the Sums received into the Treasury for such Bills, with lawful Interest from their respective Dates; but shall not be liable to pay any loss or Damages on Account of the protesting such Bills; said Bills to be of the Form following, Viz.*

*Exchange*

Bills of Exchange.

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Exchange for £.      Sterling. (No. )      Boston      1763.

Sir,

At Thirty Days Sight of this my first per Exchange, second, third and fourth of the same Tenor and Date, unpaid, pay unto Form of the  
Bill.

or Order, Pounds Sterling, for Value received, and charge it to the Province of the Massachusetts-Bay, but if it is not paid at said thirty Days Sight, then pay Interest on that Sum from the Expiration of said thirty Days until paid, at the Rate of six Pounds per Cent. per Annum; and if this Bill and Interest is not paid in one Year from the Date hereof, I hereby oblige my Self and Successors in the Office of Treasurer of the Province of the Massachusetts-Bay, to pay said Bill with Interest from the Date of it at the above rate until paid, when it shall be returned with a Protest into the Office aforesaid, but no other Charges or Damages. Provided, that if Payment shall not be demanded within six Months after the Date of said Protest, the Interest shall from that Time determine and cease.

H. G. Province Treasurer.

To Jasper Mauduit, Esq; Agent for the Province of the Massachusetts-Bay in London.

Or in Case of his Death or Absence, to Richard Jackson, jun. Esq;

And be it further enacted, That the Province Treasurer shall, and he Treasurer to  
hereby is directed to prepare forthwith a Roll for receiving Subscriptions open a Sub-  
scription. for the Bills aforesaid: of which he shall give public Notice, that all Persons inclining may become Subscribers: And the said Subscription Roll shall lie open to be subscribed until the first Day of July, One Thousand seven Hundred and sixty-three; at which Time if a greater Sum than Thirty-five Thousand Pounds aforesaid, shall be subscribed, each Subscriber shall be intitled to such a Part of said Proportion in Bills, as his particular Subscription shall bear to the whole Sum subscribed.

Provided always, That no Person shall be permitted to subscribe for more than Seven Hundred Pounds Sterling, or less than Fifty Pounds Sterling; Proviso limit-  
ing the Sum  
to be Subscri-  
bed, and to  
the Inhabitants  
of this Pro-  
vince. nor shall any Persons be admitted to subscribe but such as are Inhabitants of this Province, until the said first Day of July next, when if the Sum subscribed shall appear to be less than the Thirty-five Thousand Pounds aforesaid, any Persons whatsoever shall be allowed to become Subscribers for the Remainder, and in such Sums as they may think proper, Preference being given to the Inhabitants of this Province.

And be it further enacted, That if the Sums subscribed as aforesaid, shall not be paid into the Province Treasury within twenty Days after public Notice given by the Treasurer in all the Boston News-Papers that he is ready to draw the Bills as aforesaid, then he shall allow any Person or Persons whatsoever to become Subscribers, in Room of those who shall neglect to pay their Subscriptions, until the Expiration of the twenty Days aforesaid, and such new Subscribers shall be intitled to such Bills upon their paying for them at the Rate aforesaid.

Any Person  
may subscribe  
after 1st July.

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York Excise.

Tyringham Proprietors.

### C H A P. V.

An Act to empower *David Sewall*, of *York*, Gentleman to Collect the Excise due in the County of *York*, on Spirituous Liquors in the Year 1762.

Preamble.

WHEREAS Daniel Clark, of York in the County of York, Gentleman, was chosen Collector of the Excise on Spirituous Liquors for the said County of York, for the Year 1762, and before he had compleated his Collections went out of this Province and is supposed to be dead.

Be it therefore enacted by the Governor, Council and House of Representatives, That *David Sewall* of *York*, Gentleman, be and he hereby is empowered to fully authorized and impowered to levy, collect and receive from all Persons collect the Excise for 1762. all the said Duties of Excise, remaining due within the said County of *York*, for the said Year 1762; and the said *David* is hereby invested with all the Powers and Priviledges, and is declared to be subject to all the Obligations with respect to such Excise which the said *Daniel* was invested with and subject to.

### C H A P. VI.

An Act to enable the Proprietors and Inhabitants of the Town of *Tyringham*, in the County of *Berkshire*, to raise and collect Monies for defreying past and future Charges upon and from the Proprietors of Lands lying in the same Town.

Preamble.

WHEREAS several Sums of Money have been heretofore granted by the Proprietors of Lands in the Town of *Tyringham*, and other and further Sums are and may be needed, to defrey the necessary Charges of the Proprietors of said Lands, which Charges arose before the Incorporation of said Lands and the Inhabitants thereof into a Town: And whereas there are sundry Proprietors of Lands contained in said Town, who have not fulfilled the Orders of the General Court in settling their Lands in said Town, to the great Detriment thereof.

Proprietors of *Tyringham* en- Be it therefore enacted by the Governor, Council and House of Representa- tives, That the Proprietors of the said Town of *Tyringham* be, and abled to raise they hereby are as fully authorized and impowered to proceed to raise, levy and collect all such Sum and Sums of Money already granted, or that hereafter may be granted, by the said Proprietors, for the defreying the Charges aforesaid, as before the Incorporation of said Lands and Inhabitants thereof into a Town, they lawfully might or could do.

Non-Resident Proprietors Lands in said Town who hath not fulfilled the Terms and Conditions of Lands subjec- his Grant and Right in said Town, according to the Order of the General ted for Pay- Court, ment.

Court, be subjected to the Payment of a Tax of *two Pence* per Acre per Annum, of his Lands in said Town, until he shall have fulfilled the Terms and Conditions of Settlement aforesaid; and the Assessors of the Town of *Tyringham* are hereby impowered to assess the same accordingly, and to improve the same for defraying the necessary Charges of said Town; and each of the said Non-Resident Proprietors Lands, shall in Case of Non-Payment of such Tax be liable to be sold for the Payment thereof, as by Law is directed, in Case of the Sale of Lands for Taxes in New Townships within this Province.

## C H A P. VII.

An Act for altering a Clause in an Act made in the thirtieth Year of his late Majesty King George the Second, Intituled, *An Act to prevent Damages being done unto Billingsgate-Bay in the Town of Eastham, by Cattle and Horses feeding on the Beach and Islands adjoining thereto.*

**W**HEREAS by an Act Intituled " *An Act to prevent Damage being done unto Billingsgate-Bay in the Town of Eastham, by Cattle and Horses feeding on the Beach and Island adjoining thereto,*" Samuel Smith, Esq; his Heirs, Executors and Administrators are obliged to keep a House and Family on an Island lying to the Southward of Griffin's Island so called, and it being represented to this Court by Samuel Smith, Esq; by his Petition, that it is found by experience to be very inconvenient, and not to answer the Purposes designed thereby in said Act, so well as a Family might do, if they lived on Griffin's Island.

Wherefore,

Be it enacted by the Governor, Council and House of Representatives, That Samuel Smith, Esq; be no longer obliged to keep a House and Family on any of the Islands Southward of Griffin's Island, so called; but henceforth during the Continuance of said Act, the said Samuel Smith, his Heirs, Executors and Administrators, be and hereby are obliged to keep a Family on the Southward Part of Griffin's Island so called, for the Ends and Purposes mentioned in said Act.

Preamble.

a Family to be  
kept on the  
South Part of  
Griffin's Island.

## C H A P. VIII.

An Act for Supplying the Treasury with the Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, to be thence issued for discharging the Public Debts and drawing the same into the Treasury again.

**W**HEREAS it is necessary that Provision be made by the General Court for discharging the Debts of the present and preceeding Years.

Preamble.  
Be

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Supply of the Treasury.

Treasurer im-  
powered to  
borrow  
L. 36,635.

*Be it enacted by the Governor, Council and House of Representatives,*  
That the Treasurer of the Province, be, and he hereby is impowered and directed to borrow from such Person or Persons as shall be willing to lend the same from Time to Time, as he shall have occasion for the Money, a Sum not exceeding *Thirty-six Thousand six Hundred and thirty-five Pounds* in mill'd Dollars, at *six Shillings* each, or in the several Species of coined Silver and Gold, enumerated in An Act made and passed in the Twenty-third Year of his late Majesty King George the Second, intituled, *An Act for ascertaining the Rates at which coined Silver and Gold, English half-Pence and Farthings may pass within the Government*; and the Sum so borrowed shall be applied in Manner as in this Act is hereafter directed; and for the said Sum, the Treasurer shall give his Receipt or Obligation in the Form following.

Form of the  
Note.

Province of the Massachusetts-Bay.

The Day of A. D.

Borrowed and Received of the Sum of for the Use and Service of the Province of the Massachusetts-Bay, and in behalf of said Province, I do hereby promise and oblige myself and Successors in the Office of Treasurer, to repay the said or to his Order, the Sixteenth Day of June, A. D. One Thousand seven Hundred and Sixty-five, the aforesaid Sum of in Spanish mill'd Dollars, at six Shillings each, or in the several Species of coined Silver and Gold, enumerated in an Act made and passed in the Twenty-third Year of his late Majesty King George the Second, intituled, An Act for ascertaining the Rates at which coined Silver and Gold, English half-Pence and Farthings may pass within the Government; and according to the Rates therein mentioned with Interest annually at six per Cent.

Witness my Hand,

A. B. }  
C. D. } Committee.  
E. F. }

H. G. Treasurer.

Regulation of  
the Sum, and  
Manner of is-  
suing the  
Notes.

And no Receipt shall be given for less than *six Pounds*. And the Treasurer in issuing said Receipts or Obligations, and the Committee chosen to countersign them, shall observe and be governed by the Rules and Directions given them by an Act of this Province, made in the second Year of his present Majesty's Reign, intituled, *An Act to Supply the Treasury with the Sum of Twenty-five Thousand Pounds*.

Appropria-  
tions.

And be it further enacted, That the aforesaid Sum of *Thirty-six Thousand, six Hundred and thirty-five Pounds* when received into the Treasury, shall be issued in the Manner and for the Purposes following, That is to say, the Sum of *Eighteen Thousand six Hundred and forty Pounds*, part of the aforesaid Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, shall be applied for compleating the Payment of the Forces employed by this Government, in the Year One Thousand seven Hundred and Sixty-two; and the further Sum of *Four Thousand and five Hundred Pounds*, part of the aforesaid Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, shall be applied for the Payment of the Expences of the several Forts and Garrisons, within this Province; and the further Sum of *Two Thousand and five Hundred Pounds*, part of the aforesaid Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, shall be applied for purchasing Provisions, and the Commissary's Disbursements

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ments for the Service of the several Forts and Garrisons within this Province ; and the further Sum of *Five Thousand and five Hundred Pounds*, part of the aforesaid Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, shall be applied for the Payment of the Grants made or to be made by this Court ; and the further Sum of *Three Thousand Pounds*, part of the aforesaid Sum of *Thirty six Thousand six Hundred and thirty-five Pounds*, shall be applied for the Discharge of Debts owing from this Province to Persons that have served or shall serve them by Order of this Court ; in such Matters and Things where there is no Establishment, nor any certain Sum assigned them for that Purpose ; and for Paper, Writing and Printing for this Court ; and Repairs of the Province-House, Court-House, Light-House, Wood at Castle-William, and Repairs of Fortifications within this Province ; and the further Sum of *Two Thousand Pounds*, part of the aforesaid Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, shall be applied for the Payment of his Majesty's Council, and the Members of the House of Representatives, serving in the Great and General Court during the several Sessions of the present Year ; and the further Sum of *Two Hundred and Ninety-five Pounds*, part of the aforesaid Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, shall be applied for the Payment of the Charge of maintaining armed Vessels of War, belonging to this Province ; and the further Sum of *Two Hundred Pounds*, being the Remainder of the said Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds*, shall be applied to pay such contingent and unforeseen Charges as may arise, and for no other Purpose whatsoever.

And in order to draw said Money into the Treasury again, and enable the Treasurer effectually to discharge the Receipts and Obligations, (with the Interest that may be due thereon) by him given in Pursuance of this Act.

*Be it enacted*, That there be, and hereby is granted unto his most excellent Majesty, a Tax of *Forty-one Thousand and thirty-one Pounds £. 41,031 4s.* Tax of  
*four Shillings*, to be levied on Polls and Estates both real and personal, within this Province, according to such Rules and in such Proportions on the several Towns and Districts within this Province, as shall be agreed on, and ordered by the General Court or Assembly, at their Sessions in *May*, One Thousand seven Hundred and Sixty-four, and to be paid into the Public Treasury on or before the *Thirtieth Day of March*, A. D. One Thousand seven Hundred and sixty-five.

*And be it further enacted*, That if the General Court at their Sessions in *May*, One Thousand seven Hundred and Sixty-four and some Time before the Twentieth Day of *June* in said Year, shall not agree and conclude upon an Act apportioning the Sums which by this Act are engaged to be paid in said Year apportioned, assessed and levied ; then and in such Case, each Town and District within this Province shall pay by a Tax to be levied on the Polls and Estates both real and personal within their Limits, the same Proportion of the said Sum as the said Towns and Districts were taxed by the General Court in the Tax Act then last preceding ; and the Province Treasurer is hereby fully empowered and directed some time in the Month of *July* in the same Year One Thousand seven Hundred and Sixty-four to issue and send forth his Warrants, directed to the Assessors or Select-Men of each Town and District within this Province requiring them to assess the Polls and Estates both real and personal within their several Towns and Districts, for their respective Parts and Proportions of the Sums before

To be paid as  
in the last pre-  
ceding Tax  
Act, in Case.

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before directed and engaged to be assessed, to be paid into the Treasury on the aforementioned Time; and the Assessors, as also Persons assessed, shall observe, be governed by, and subject to all such Rules and Directions as shall have been given in the last preceding Tax Act.

*And be it further enacted,* That the Treasurer pay the Sum of *Thirty-six Thousand six Hundred and thirty-five Pounds* out of such Appropriations as shall be directed by Warrant, and no other, and the Secretary to whom it belongs to keep the Muster Rolls and Accounts of Charge, shall lay before the House of Representatives, when they direct such Muster-Rolls and Accounts after Payment thereof.

Proviso.

*Provided always,* That the Remainder of the Sum which shall be brought into the Treasury, by the Taxes ordered by this Act, to be assessed and levied over and above what shall be sufficient to discharge the Notes and Obligations aforesaid, shall be and remain as a Stock in the Treasury, to be applied as the General Court of this Province shall hereafter order, and to no other Purpose whatsoever.

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BOSTON: N. E.

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